

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 70331

Maria L. Argueta Rivera

8011 Baltimore Street

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 19, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-309, 310, failure to store waste in approved tightly covered containers on residential property known as 8011 Baltimore Street, 21224.

On October 26, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The following persons appeared for the Hearing and testified: Maria L. Argueta Rivera, Respondent, assisted by a language translator, and Robert Moorefield, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205.

B. Inspector Robert Moorefield testified that this Citation was issued following a code enforcement sweep of the Colgate community, working on issues of garbage storage and rat infestations. Respondent's home is an end unit in a group townhouse community. There is a major rat infestation at this property. The Citation was issued after inspection found garbage stored in cans without lids. Photographs show bagged garbage in cans without lids. Re-inspection on November 16, 2009 found garbage in a new can, with the lid on top but not closed. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

C. Inspector Moorefield further testified that there are rat holes all over the property and under the white fence. Just prior to this Hearing he discussed the need for rat extermination with the property owner. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. The current Citation does not charge Respondent with a violation of these codes, but Respondent will be subject to additional Citation for violations if the rat infestation is not abated.

D. Respondent Maria Argueta testified that she will correct the violation. Because Respondent has made progress in correcting the violation and, compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$250.00 (two hundred fifty dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$25.00 (twenty-five dollars) if the violations are corrected by December 15, 2009, with all garbage properly stored in cans with tight-fitting lids.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 30th day of November 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.